

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

SAMUEL R. PARKEY,)	
)	
Plaintiff,)	
)	
v.)	No. 3:02-CV-293
)	(Phillips/Shirley)
BLUE RIDGE FOODS, INC., et al.,)	
)	
Defendants.)	

ORDER

This matter is before the court on plaintiff's motion for review of findings of the clerk as to the Bill of Costs . The parties entered into a settlement agreement whereby the defendant agreed to pay plaintiff his costs of litigation. Plaintiff submitted a Bill of Costs seeking \$3,032.40. Defendant objected to only two of the costs submitted by plaintiff: a \$50 service of process fee and \$73.65 photocopy charge. Defendant did not object to the remaining \$2,908.75 costs submitted by plaintiff; however, the clerk taxed costs in the amount of \$825.00 disallowing costs totaling \$2,207.40. Plaintiff moves the court to review the findings of the clerk disallowing costs which were not objected to by defendant.

The underlying civil action was resolved by agreement of the parties, with defendant agreeing to pay plaintiff's costs. Plaintiff concedes the \$50 service of process fee should be deducted, leaving \$73.65 in photocopy charges in dispute. Plaintiff states that the \$73.65 charge represents copy charges and postage charged by the firm

representing defendant's insurance company, and were obtained for use in the litigation and for trial. The court finds the expense reasonable and reimbursable under the parties' agreement.

In light of the parties' agreement for defendant to pay plaintiff's costs of litigation, the court finds that the \$50.00 service of process fee should be deducted from the Bill of Costs leaving a balance of \$2,982.40 to be paid by defendant. Accordingly, plaintiff's motion for review of findings of the clerk as to the Bill of Costs [Doc. 147] is hereby **GRANTED**. Defendant shall pay to plaintiff the amount of **\$2,982.40** for plaintiff's costs of litigation.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge